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To: Microsoft ATR
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Subject: Microsoft Settlement

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United States v. Microsoft has been a long and complicated case, and a detailed critique of the proposed settlement it has spawned is best left to those who have considered the implications of every line. As one who has represented software concerns, and has some sense of the industry, I would simply offer my conclusion:

It is highly likely that the proposed settlement will be completely ineffectual. Put another way, it appears to me that it will have no impact on the industry as the industry currently exists, though some of its provisions might have been modestly helpful in preserving browser competition during the Netscape-Explorer fight. Particularly egregious here is the carve-out of the free software movement from essentially all of the proposed judgment's benefit. In operating systems, this is the only competition to MS that is significant today, and if there is to be any benefit to consumers from the judgment, open source representatives must have full, complete, and prompt access to all significant interoperability data for Windows, MS middleware and MS Office, with access being controlled by disinterested third parties. This is also true for all competitive office applications. After all these years, it's time to bring to a close the famous axiom, "DOS's [Windows's] not done 'til Lotus [WordPerfect, Netscape, etc.] won't run."

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